BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2008-184-A - ORDER NO. 2008-391

MAY 21, 2008

IN RE: Request for Confidential Treatment of Annual

Reports

) ORDER GRANTING PBT

) TELECOM, INC.'S

) MOTION FOR

) CONFIDENTIAL

TREATMENT

This matter comes before the Public Service Commission of South Carolina (Commission) on the Motion of PBT Telecom, Inc. (PBT or the Company) for confidential treatment. As required by S.C. Code Ann. Regs. 103-612(1), on May 1, 2008, PBT filed with the Commission and the Office of Regulatory Staff (ORS) the Company's Annual Report for year ending 2007. With the Company's Annual Report filing, PBT filed a motion requesting that certain information contained in the Company's Annual Report be treated as confidential.

In its motion, PBT states that the Annual Report contains information that is commercially sensitive and contains proprietary business information relating directly to the Company's financial operations that should be exempt from public disclosure. According to PBT, disclosure of such information would be harmful in light of the competitive telecommunications environment and access to this information could give actual and potential competitors an unfair competitive advantage. In accordance with the guidelines set out in Commission Order No. 2005-226, PBT filed the Company's Annual

Report in a separate and sealed package clearly marked "confidential" from the Company's filed "public" version. By correspondence filed May 14, 2008, ORS advises that it has no objection to the Company's request.

A review of the material in question in the Company's report establishes that the material does provide detailed information concerning PBT's business which is sensitive. The South Carolina Freedom of Information Act ("FOIA") allows exemption from disclosure proprietary business information that meets a definition of "trade secrets." S.C. Code Ann. Section 30-4-40(a)(1) states that matters which may be exempt from FOIA include: "(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information or evaluation."

Because the Commission finds that the Annual Report of PBT contains competitively sensitive information and meets the definition of "trade secrets" as defined under FOIA, the Commission grants the motion.

IT IS THEREFORE ORDERED THAT:

1. The Motion of PBT Telecom, Inc. for confidential treatment is granted. Accordingly, certain information contained in the Company's Annual Report for year ending 2007 shall be maintained under seal and withheld from public disclosure.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

G. O'Neal Hamilton, Chairman

ATTEST:

C. Robert Moseley, Vice Chairman

(SEAL)